

BEST AVAILABLE COPYApplication No.: 10/773,447Docket No.: 713-1058REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes all previous listing of the claims. Favorable reexamination and reconsideration in light of the preceding amendments and the following remarks are respectfully requested.

Specification/Claim Objections

In this response it is proposed to cancel claim 21. This of course renders moot the objections set forth in paragraphs #2 and #3 of this Office Action.

Rejections under 35 USC § 102

- 1) The 35 U.S.C. 102(b) rejection of claims 5,7,9 and 11-19 as being anticipated by Gupta (U.S. Patent No. 5,931,622) is respectfully traversed.

In connection with independent claim 5, it is noted that the transverse lugs 83, 87 form part of the lower collar 87 and thus are distal from the locations recited in this claim as amended. See column 6, lines 11 -34, which discloses:

Referring to FIGS. 3 and 8, the lower breakable collar 78 of each sleeve 72 has an annular interior cross-section which slidably grips the fastener shank 64 in the same fashion as the annular interior of the upper collar 74. The outer cross-section of the lower collar 78 is shaped like a cross, as shown in FIG. 8, due to the presence of four fragmentable tabs 81, 83, 85 and 87. The tabs are preferably offset as shown in FIGS. 4 and 8, for instance, so that two of the tabs 83 and 87 extend below the other two tabs 81 and 85. The offsetting of the tabs facilitates moldability of the sleeve 72 during manufacture, and breakage of the sleeve 72 during installation of the pin 60 into an object. **The tabs 81, 83, 85**

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and 87 constitute substantially the entire lower collar 78. As shown in FIG. 4, the fragmentable tabs have a height or thickness extending from about the bottom of the lower collar 78 up to the lower boundary of the rectangular openings 59 which help define the walls 61 and 63 of the middle portion 76. As shown in FIG. 8, the tabs are joined by a circular wall 91 which is structurally thinner and weaker than the tabs, so that the lower collar 78 fragments by breaking of the wall 91 when the fastener is driven into an object. The wall 91 should be as thin as possible, to save material and facilitate breakability, but thick enough that it remains intact when one pin is stripped from the strip by the driver blade. (Emphasis added)

Claim 5 has been amended to recite that the guide pegs each have a tubular part and a ring surmounting the tubular part, and that the ring is configured to have the head of the fastener normally bear there against. Support for this amendment is found at page 4 lines 11-16 of the originally filed specification. This amendment makes it clear that the lugs which are recited in the claims are at the top of the pegs as different from the bottom of the corresponding carriers as is the case in Gupta.

Claim 5 has been further amended to call for the heads of the fasteners to normally rest against the rings at the top of the pegs. This structure is not found in the Gupta arrangement which clearly illustrates the heads of the fasteners located in positions which are spaced above the peg or carrier members. Support for this amendment is also found at page 4, lines 11-16 of the originally filed specification.

In connection with the rejection of claim 11, the rejection relies on a deliberately inverted version of Fig. 13. If the fastener is shown disposed in this arrangement the very reverse of the claimed structure is shown. Column 8, lines 22 - 34, of Gupta discloses:

Referring to FIG. 13, the height or thickness of the lateral

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end extension 173 need not be as great as the heights or thicknesses of the **side tabs 83 and 87** to which it connects, or of the end tab 85 through which it passes. Instead, the height or thickness of the lateral end extension 173 (and of the lateral end extension 171 at the opposite end of the carrier collation) need only be sufficient to communicate with the walls in the shearing block, so as to balance and stabilize the fastener assembly 50 during firing of the last few fasteners. In the preferred embodiment illustrated in FIG. 12c, the radius of the arcuate extension 173 is sufficient so that, in cross section, the arcuate extension 173 forms a continuous semi-circle with the **side tabs 83 and 87**. (Emphasis added)

Note the above quote which clearly discloses side tabs 83 and 87 as forming part of the lower collar.

Fig. 13 is shown below and as will be appreciated, there is nothing in the Gupta reference which might vaguely disclose or suggest its usage in an inverted position as is advanced in this rejection.

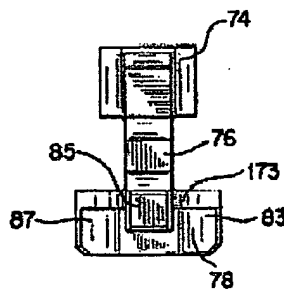


FIG. 13

It should be noted that #78 as shown in the above figure, is disclosed as being the lower collar in all of the disclosed embodiments. Fig. 1 clearly shows the

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relationship between the "lower collars" 78 and the direction in which the fasteners 60 will be driven. There is no way that the proposed inversion would be considered if it were not for a full working knowledge of the claims. A *prima facie* case of anticipation cannot be established on the basis of this deliberately inverted figure.

The spacing between the heads of the fasteners and the tops of the carriers is also clearly illustrated in Fig. 1.

- 2) The rejection of claims 11 and 17-29 under 35 USC § 102(b) as being anticipated by the disclosure of Ernst et al. is respectfully traversed.

In this rejection it is advanced that Ernst et al. disclose a tubular part with a ring at the top of the tubular part with projections 64 (Fig. 6). While an illustration is purported to be "below", it appears to have been omitted from this paper. Nevertheless, the projections 76, 74 shown in Fig. 6 are not arranged to extend in the traverse direction but in the longitudinal direction - see Fig. 4. Indeed these members form part of frangible bridge connections and are located between the sleeves 32.

The strip 10 comprises **frangible bridges connecting adjacent ones of the sleeves 32**, namely an upper, **frangible bridge 74** and a lower, **frangible bridge 76 between each such sleeve 32 and the next sleeve 32**. As shown in FIG. 6, each of the frangible bridges 74, 76, is shaped so as to conform generally to an isosceles trapezoid in cross-section. **Each bridge 74** extends to the upper end 38 of the breakable portion 36 of each of the sleeves 32 connected by such bridge 74. **Each bridge 76** extends to a lower, chamfered portion 78 of the annular portion 34 of

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each of the sleeves 32 connected by such bridge 76. Each bridge 74 has four V-shaped notches extending along respective lines in a vertical plane bisecting such bridge 74, namely a relatively long, upper notch 80, two similar, lateral notches 82, 84, and a relatively short, lower notch 86. Each bridge 76 has four V-shaped notches extending along respective lines in a vertical plane bisecting such lower bridge 76, namely a relatively short, upper notch 88, two similar, lateral notches 90, 92, and a relatively long, lower notch 94. (Emphasis added)

If the bridges are between the sleeves, they cannot be located in the traverse positions as per the rejection. Accordingly, the rejection fails to establish a *prima facie* case of anticipation.

Conclusion

Even though the claims have been amended in this response, these amendments are such as to clarify over the art and to place the claims in condition for allowance. Indeed, in that at least one rejection has resorted to deliberately inverting drawings with the intent of showing structure on which the claims can be read, it is submitted that, at the very least, this is indicative of the fact that the applicable art has been exhausted and that the drawing inversion is a last ditch resort for rejection. If not, and the drawing inversion is not tainted with a full working knowledge of the claimed subject matter, and it is believed that a further search is warranted, it is submitted that the finality of the rejection should be withdrawn and the effort to formulate a proper rejection be made.

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Favorable reconsideration and allowance of this application is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, in the event that oral discourse would facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

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